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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,552	03/25/2004	Yasushi Yatsuda	ST3001-0038	4922
39083	7590	05/04/2006	EXAMINER	
CERMAK & KENEALY, LLP 515 EAST BRADDOCK RD SUITE B Alexandria, VA 22314			TON, ANABEL	
			ART UNIT	PAPER NUMBER
			2875	
DATE MAILED: 05/04/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/808,552	Applicant(s) YATSUDA ET AL.	
	Examiner Anabel M. Ton	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,9,10,12-19,21-24 and 27-32 is/are rejected.
- 7) ☒ Claim(s) 6-8,20,25 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The indicated allowability of claims 1,5,14 and 18 is withdrawn in view of the newly discovered reference(s) to Pederson. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1,5,14,18 are rejected under 35 U.S.C. 102(b) as being anticipated by Pederson (2002/0093820).
3. Pederson discloses a base (14) a plurality of LED elements located adjacent the base (16) and formed in the shape of a light distribution pattern, a light shielding device (18) located adjacent the base and formed in the shape of a light distribution pattern wherein the LED elements are arranged in such a manner as to correspond to the shape of the light shielding device and in such a manner as to form an emission shape suited for a light distribution pattern of a vehicle headlight (figs 1,8); a drive device capable of supplying different drive currents to the LED elements wherein at least one of the LED elements is driven by a different drive current as compared to another of the LED elements(controller 58); the base includes at least one cavity and the plurality of

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LEDs are mounted in the at least one cavity located in the base ((fig 1); each LED element is arranged in such a manner as to form a brightness distribution suitable for a vehicle headlight (inherent since it is for a vehicle headlight application); a base(14), a plurality of LED elements located adjacent the base and formed in a non-symmetrical array(the array in which the LEDs are configured in is considered to be non-symmetrical since Pederson does specifically teach it to be symmetrical) such that light emitted from the LED elements forms a light distribution pattern (fig 8) ;

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4,12,13,15-17,21-24,27-32 rejected under 35 U.S.C. 103(a) as being unpatentable over Pederson.

- Pederson discloses the claimed invention as recited above. Pederson does not disclose the LED elements as being substantially, rectangular, triangular or parallelogrammic in shape or at least one of the LED elements is a different size as compared to another of the LED elements. Pederson also does not disclose the lens being a projection lens. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the LED elements of Pederson of such shapes, since it has been held by the courts that a change in

shape or configuration, without any criticality, is nothing more than one of numerous shapes that one of ordinary skill in the art will find obvious to provide based on the suitability for the intended final application. See *In re Dailey*, 149 USPQ 47 (CCPA 1976). It appears that the disclosed device would perform equally well shaped as disclosed by Pederson since the end result of the device is to provide a light distribution pattern for a headlight.

- With regards to the LED's being different in size one compared to the other, It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the LED's of Pederson different in size, since it has been held by the courts that, where the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed device, and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device. *In Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984),). It appears that the disclosed device would perform equally well shaped as disclosed by Pederson since the end result of the device is to provide a light distribution pattern for a headlight.
- With regards to the lens of Pederson being a projection lens, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the lens of Pederson with a projection lens since the use of projection

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lenses in vehicle headlamps is old and well known in the art for the purpose of providing a vehicle headlamp with a even light distribution pattern.

Allowable Subject Matter

6. Claims 6-8,20,25,26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited does not teach the LED element arranged in linear rows with a given angle between them, specifically 15 and 45 degrees, a portion of the LED element is formed on ridgeline, the projection lens is configured such that a focus of the projection lens is located on the ridgeline.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

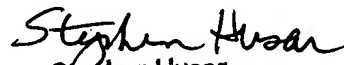
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anabel M Ton
Examiner
Art Unit 2875

AMT


Stephen Husar
Primary Examiner